

## **CONSTRUCTION IMPACT MITIGATION PLAN POLICY**

### **BACKGROUND**

The City Council and Redevelopment Agency Board have determined that there exists a need to formalize the process through which construction projects address the impacts to businesses, residents and the travelling public affected by the construction of “extraordinary” projects. All publicly funded construction projects should be required to submit a construction mitigation plan detailing the impacts and proposed mitigation measures. In addition, a process should be formalized to address routine projects, which comprises the majority of construction work in San Jose.

### **POLICY**

1. All City and Agency projects, including private projects assisted by the City or Agency, that meet the definition of Extraordinary Construction Project shall include a Construction Impact Mitigation Plan prior to the award of the construction contract for the project. This requirement shall be set forth in all agreements with private parties receiving assistance from the City or Agency for the construction of an Extraordinary Construction project.
2. Any agreement entered into between the City or the Agency and another public entity for the construction of an Extraordinary Construction Project shall require the preparation of a Construction Impact Mitigation Plan.
3. Encroachment permits for extraordinary construction projects shall contain the following provision:

“This permit is not valid until a Construction Impact Mitigation Plan has been approved by the Director.”

### **APPLICABILITY**

An extraordinary construction project is defined as one in which the construction in the right-of-way is scheduled to last at least twelve months, and one of the following conditions exists:

1. The project will impact vehicular or pedestrian traffic at two or more signalized intersections;
2. The project will interfere with pedestrian access for the length of a block;

3. The project is located within the lesser of 500 feet or one block of another project located in the right of way; or
4. The project is located in a Construction Impact Zone.

### **CONTENTS OF PLAN**

A Construction Impact Mitigation Plan submitted pursuant to this Section must contain the following elements:

- A. A detailed project description, including site maps and a phasing schedule depicting the proposed location and timing of construction activity on a month-by-month basis for the duration of the project.
- B. A detailed analysis of the potential physical, environmental and other impacts of the construction activities on residents and businesses within a thousand (1000) foot radius of the project. The Construction Impact Mitigation Plan may incorporate by reference the analysis of physical and environmental impacts identified in any document prepared for the project pursuant to the California Environmental Quality Act.
- C. A detailed description of the mitigation measures proposed to be undertaken by the contractor or the project owner to mitigate each of the impacts identified to the extent practicable. The Construction Impact Mitigation Plan may incorporate by reference the mitigations of physical and environmental impacts proposed in any document prepared for the project pursuant to the California Environmental Quality Act.
- D. A detailed Communications Plan outlining the steps that will be taken by the contractor and the project owner during the course of construction of the project to alleviate the identified impacts, which shall include, but not be limited to the following:
  1. a schedule of regular meetings with the surrounding businesses throughout the course of construction;
  2. a display of maps and construction schedule information posted in and around the construction area;
  3. a schedule of meetings with the surrounding community, emphasizing the market area of the impacted businesses;
  4. a schedule of regular meeting to coordinate with any other construction project within 500 feet of the project.

E. The potential impacts to businesses within a 1000 foot radius of the Project that shall be addressed in the Construction Impact Mitigation Plan, if applicable, shall include:

1. Impacts on patronage due to impediments to pedestrian and vehicular access, visual impediments to signage; loss of on street parking, or perceived safety issues;
2. Forced temporary business closure due to loss of utilities, loss of access for patrons and employees, loss of access for services such as deliveries or garbage service, or perceived safety issues ;
3. Forced permanent business closure due to permanent loss of pedestrian or vehicular access.

### **TYPES OF MITIGATION MEASURES**

This list of mitigation measures is not comprehensive and should be considered a “toolbox” from which appropriate measures can be utilized to suit specific project conditions. Additional measures may be developed or required depending on the specific project and types of impacts.

#### **Standard Conditions (To be used on all construction projects)**

Physical Impacts - Working days/hours restrictions, traffic control plans, haul-route approval, material and equipment parking restrictions

Environmental Impacts - Dust control, noise control, erosion control, CEQA analysis and implementation

Communications – Traffic control and detour signage, posting notice of planned work, door hangers, letters to residents and businesses

Other Impacts - Maintain clear pedestrian and driveway access, adjust work hours to non-peak business hours

**Special Conditions (In addition to Standard Conditions, these are to be used on medium impact projects lasting longer than 30 days or projects within special Construction Impact Zones.)**

Physical Impacts – Traffic detours, temporary sidewalks, construction coordination meetings

Environmental Impacts - Car wash vouchers, pressure washing sidewalks and driveways

Communications - Community meetings pre- and during construction, expanded project signage with project information and contact names, a fax distribution to community and stakeholders in and around the affected area, central contact staff in field, updates available on existing website

Other Impacts - Project signage to support businesses, parking assistance for employees and customers, business association outreach

**Extraordinary Projects (Construction Impact Mitigation Plan to be submitted to City Council for Approval prior to contract award, or to Director of Public Works prior to issuance of encroachment permits.)**

Physical Impacts – Long-term detour signage, temporary traffic signals, special bus routes and shuttles

Environmental Impacts – Acoustical window treatments, HVAC upgrades/ installation, temporary utility services, noise attenuation barriers

Communication - Regular newsletter, construction hotline, marketing assistance—advertising, promotions, special events to mark milestones (groundbreaking, topping-off, openings), up-to-date information made available at Information Center, information kiosks with maps and construction information posted in & around construction area, newspaper articles and press releases—regular updates to local reporters, weekly meetings with affected businesses, residents and property owners during construction, advertising(including print & broadcast) to promote region—e.g. Downtown, dedicated website with webcam access of project in progress

Other Impacts - Marketing assistance, technical business support, cross-promotion efforts with adjacent businesses

The effective date of this policy is May 1, 2003.